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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,382	08/23/2000	Jason Goldberg	4905.P002	1511

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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2616

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/644,382	Applicant(s) GOLDBERG ET AL.	
	Examiner Vincent F. Boccio	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment and RCE 8/22/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,8,13-18,25,26,30,31 and 40-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,8,13-18,25,26,30,31 and 40-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments with respect to amended and new claims 7-8, 13-18, 25-26, 30-31, 40-57, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 7, 25, 40-42, 44-48, 50-54, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US 2002/0007493) and Ludtke, US 6,202,210) and Alloul et al. (US 6,032,130) and further in view of

Since the claims 7 and 25 have been amended the examiner incorporated by reference the last action against the claims

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and will mainly address the newly recited limitations in the claim in consideration with the existing.

The claims as applied reads in the claim language as previously applied;

- storing markup language content by downloading (Butler, page 5, col. 2, supplemental data files .. broadcast overlays files during the night", for example);
- integrating or synchronizing the video from the DVD with the data content (Butler);
- video can be retrieved from a DVD (Butler, high bandwidth content from the DVD, page 5, col. 2, "DVD and HML files, locally);
- can be from a wireless network (see Butler, Fig. 1, page 1, col. 2, source 12 having video and content, "broadcasters to prepare ancillary data content as HTML files);
- downloading markup language content (see HTML, Butler can be, wirelessly provided content, Fig. 1);
- obvious to upload periodically (see Ludtke, supporting reference on an official notice).

The examiner incorporates the last action against the claims, wherein the claims have been further amended to recite,

- wherein the device is an in store kiosk, wherein as applied the combination as applied fails to disclose the device being, Kiosk.

The examiner cites, Alloul, which teaches in Fig. 1 a Kiosk or a public purchasing Kiosk, which in accord to col. 5, lines 46-47,

"Kiosk 10 is installed in malls, shopping centers and other well frequented places", therefore, in store type settings", as is conventionally known, while another

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version of the invention can be, Fig. 2, describes that the Kiosk functionality, can in the form of a user's PC, col. 2, lines 41-, "In both versions ... the purchasing Kiosk or client PC may be connected to a network or a transaction server.".

The examiner takes official notice Kiosk, are known to be in stores for purchases at the store or other or merely for browsing items.

Furthermore, the purchasing system stores large product multimedia catalogs on local mass storage, thereby allowing for real time multimedia product presentations and instant on line product ordering, col. 1. lines 48-, as taught by Alloul.

Based on the passages the in store Kiosk and the user's PC implementations are obvious one over the other, therefore, it is deemed obvious based on the teachings above, that Butler's teaching can be applied to an in store Kiosk, in view of the functionality being substantially the same, as is obvious to those skilled in the with Alloul and further a Kiosk can be located in a store to perform purchases, even at that store, with a local storage, which it is further obvious the local storage can be a DVD in view of the teaching of a CD, being obvious to substitute the DVD for a CD type storage device holding content, thereby providing local high bandwidth with additional data from a lower bandwidth route, as is deemed obvious.

Regarding new claim 40, the combination as applied above the recited limitations are rejected based on the combination as applied above, having elements:

- a plurality of kiosks, at least near stores and obvious to be in stores also (Alloul, Fig. 1);
- a wireless network (Butler, Fig. 1, wireless transmission of data, even bi-directional);

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- a multimedia drive (Butler DVD, and/or Alloul, Fig. 1, CD and suggests DVD, high data rate information, Video and audio, playback);
- a storage memory, HTML content (Butler, also Alloul);
- an overlay unit and combined content (Butler merges video and content);
- a keyboard (Butler and Alloul);
- a processor, keyboard and memory coupled to the processor;
- a central server coupled to the plural kiosks a local directory structure for different ones;
- uploading data and storage of uploaded (col. 5, Alloul and/or **Ludtke**).

It is noted that Alloul is deemed closest art of record located many previous established details are also covered by Alloul such as:

- Details of a purchasing Kiosk 10 (Fig. 1);
- Server 18 and Supplier Servers 1 to n;
- Fig. 4, Shopping Cart;
- Col. 1 the internet and Web sites;
- Col. 5, keeping transaction records, online product pricing information;
- Kiosk having printer, mouse, trackball, card reader for credit card payments, touch screen (col. 5);
- Using a CD ROM having motion pictures, music, sound real time presentation from the local high bandwidth device, the CD, information for products, services;
- Col. 7, suggests the DVD, "DVD player may be used as the mass storage means, wherein large amount of data would be stored", col. 7;
- Presentation of products based on seasons and availability col. 11.

Alloul provides many details all deemed obvious to utilize and combine, with the prior art.

The prior art Alloul provides for a keyboard, touch screen, but, the claim recites,

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o button along the side of the screen, wherein the touch screen is interpreted as in the screen, therefore, as applied the prior art fails to disclose, this feature.

The examiner takes official notice that there are numerous configurations of Kiosks, deemed to be obvious and/or known to provide buttons along side of a screen, even on a kiosk, therefore, it would have been obvious to those skilled in the art at the time of the invention to provide buttons on the side of the screen, being a design choice to the placement, wherein buttons on the side of the screen are convenient to the user manipulation, as is known and obvious on the art.

Claim 41 is analyzed and discussed with respect to the claims above.

Regarding claims 42, 44, 48, the combination as applied provides for high quality full motion video from the CD or DVD, with content being internet content HTML with video (Butler), up to date (col. 9, Alloul).

Claims 44-48, 50-51 are analyzed and discussed with respect to the claims above with Alloul.

Claims 52-56 have been analyzed and discussed with respect to the claims above, but, as applied fails to address the limitation of:

O prompting the user questions, after initiating interaction and data mining at a central server.

The examiner takes official notice that data mining and providing questions such as surveys are well known concepts, allowing for locating information and items of interest, therefore, it would have been obvious to those skilled in the art, having a user at a kiosk, prompting a user with questions, after initiating interaction and data mining at a central server, to locate items or event information of interest based on the answers to the questions.

3. Claims 43, 49, 55 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US 2002/0007493), Ludtke, US 6,202,210) and Alloul et al. (US 6,032,130) in view of Kaplan (US 5,237,157).

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Regarding claims 43, 49, 55 and 57, the combination as applied fails to disclose a swipe card for to receive information off the card being a membership card of end users.

Kaplan teaches a membership card can be issues to users in a kiosk environment, wherein the card Ids users, such as demographics, preferences and buying habits, there by to identify users by reading the card after swiping (col. 5, lines 30-40), as taught by Kaplan.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by utilizing a membership card holding user information to be extracted to from the card, whereby the card keeps rack of buying habits and identifies the user thereby initiating identification of users with the card, prior to a session on a kiosk, as taught by Kaplan.

4. Claims 8, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination Butler et al. (US 2002/0007493), Ludtke, US 6,202,210) and Alloul et al. (US 6,032,130), as applied and further in view of Jefferson et al. (US 5,712,994).

Since the claims have not been amended the examiner incorporated by reference the last action against the claims.

5. Claims 13-17, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Butler et al. (US 2002/0007493), Abgrall (US 6,401,202), Nishio et al. (US 5,557,317) and Ludtke (US 6,202,210), as applied and further in view of Alloul et al. (US 6,032,130).

Since claims 13-17 have been amended the examiner incorporated by reference the last action against the claims and will mainly address the newly recited limitations in the claim in consideration with the existing.

Claims 13 and 17 have been amended to further recite, a plurality of Kiosks, met by the obvious combination as above with the teachings of Alloul.

In view of Alloul, further shows details of an obvious server configuration in Fig. 1, having a transaction server 18 and supplier servers 1-n thru the transaction server, wherein

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the suppliers servers have database directories to facilitate the interactive purchases, providing product pricing, availability (col. 3), having first and second servers for order and payment or all done by the same server.

Therefore, it would have been obvious to one skilled in the art at the time of the invention in view of Alloul to have a plurality of Kiosks using a transaction server and suppliers servers, holding databases for use access and interaction, from the location of one of a plurality of the Kiosks in store locations.

The prior art as applied fails to address wherein each Kiosk has an associated directory, the claim suggests that the Kiosk and server database are specific to a vendor or manufacture, such as a Disney store with a Disney Kiosk, associated with a server storing a database of information, accessible from the Kiosk.

The examiner takes official notice that it is deemed well known that a Kiosk can be for a manufacturer or specific to a vendor and not be universal but specific to a specified function or transaction, large chain store having kiosks in their locations using a remote server for database is deemed to be known in the art of business operations and practice, therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by having a plurality of directories to separate files according to different ones of devices and their physical locations or a chain in store, with remote database access thru a server, as is deemed to be an obvious configuration and operation.

Claims 30-31 since not amended the examiner incorporates by reference the last rejection against the claims.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Abgrall (US 6,401,202), Nishio et al. (US 5,557,317) and Ludtke (US 6,202,210), as applied and further in view of Alloul et al. (US 6,032,130) and further in view of Jefferson et al. (US 5,712,994).

Since the claim have not been amended the examiner incorporated by reference the last action against the claims.

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Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00
PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
11/14/05


VINCENT BOCCIO
PRIMARY EXAMINER